

PATENT

The Eclipse Group Docket No. HI09047USU (P03059US)
Application Serial No.: 10/684,222

II. REMARKS

Claims 1-8, 10-15, 17-23, 25-32, 34-35, 37-49, 52-74, 76-89, 91-113, 117-135 are pending in this application. Claims 1-8, 10-15, 17-23, 25-32, 34-35, 37-49, 52-74, 76-89, 91-113, 117-135 are rejected. No new matter has been added by this response. For the reasons stated below, applicants believe that the claims are in condition for allowance.

The Examiner rejected:

1. Claims 1-8, 10, 14-15, 17-20, 25, 27-30, 32, 34-35, 37-44, 46-49, 52-53, 62-66; 68-73; 76-77; 81-87; 96; 98-99; 101; 107-109, 111-113, 117, 119 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586);
2. Claims 11-13, 21-23, 26, 54-61, 74, 78-80, 91-95, 97, 100, 102-104, 110, 118, 120-135 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586);
3. Claim 45 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* and *Tagami and Greenberger* (U.S. Patent No. 5,870,484);
4. Claim 31 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* and *Tagami et al.* and *Norris* (U.S. Patent No. 6,611,603); and
5. Claim 31 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* and *Tagami and Kim* (U.S. Patent No. 5,717,465).

1. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claims under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586).

In claim 1 (using claim 1 as an example independent claim), the Examiner indicated on pages 3-4 of the Final Office Action that:

Rabinowitz et al. disclose an audio system comprising a configuration, the configuration selected based on a method comprising: generating acoustic signals from at least one loudspeaker placed at potential loudspeaker locations and recording transfer functions at a plurality of listening positions (fig.1,5 (14,16); fig.3 (20); par [0010, 0021; 0027]/microphone and speakers in various locations for generating and pick up such generated sound from such various listening locations); determining potential configurations of the audio system (fig.5 (14-1; 14-n); fig.34 (43); par [0020, 0022, 0029; 0033]/potential loudspeaker configuration in the room as in alterations of the

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speakers, and replacing components and also volume and tone control configuration) and modifying the transfer functions based on the potential configurations so that predicted transfer functions are generated at each of at least two of the plurality of listening positions for each of the potential configuration of the audio system, the predicted transfer function representing simulations for the potential configuration of the audio system (Fig. 1 (18, 20); Fig.4 (48-59); par [0021-0023,0027] generating desired equalized frequency for different user locations with microphone from the loudspeaker is read on the predicted transfer function).

Then, on page 4 of the Non-Final Office Action, the Examiner stated that "...Rabinowitz et al. never disclose of such accessing a criterion by which to statistically analyze the predicted signal."

Applicants have previously amended the independent claims to include "where the transfer functions includes either or both an amplitude component or a phase component" An amplitude component or phase component may be used as a criterion. The Examiner then responded on page 2 of the Non-Final Office Action that the *Rabinowitz et al.* publication describes "the transfer function or frequency response does have an appropriate amplitude component". Applicants in the specification of the current application did provide an example in paragraph [0090] that "a transfer function, such as a frequency response, may be determined...".

But, other examples of transfer functions are also provided by the Applicants that are covered by the claims. Applicants, in the independent claims recite "where the transfer function is a measure of an acoustical aspect of the frequency response". Applicants find support for this element in paragraph [0092] of the specification. Only the use of frequency response is discussed in the *Rabinowitz et al.* publication and no other types of transfer functions are mentioned. Both the *Rabinowitz et al.* publication and the *Tagami et al.* patent fail to teach or describe a transfer function that includes "at least one of an amplitude component and phase component and where the transfer function as a measure of an acoustical aspect of the frequency response" as claimed by the Applicants in the independent claims.

Therefore, independent claims 1, 15, 25, 27, 54, 62, 81, and 107 are in condition for allowance and a claims 2-8, 10, 14, 17-20, 28-30, 32, 34-35, 37-44, 46-49, 52-53, 63-66, 68-73, 76-77, 82-87, 96, 98-99, 101, 108-109, 111-113, 117, 119 are also in condition for allowance.

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2. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claims 11-13, 21-23, 26, 54-61, 74, 78-80, 91-95, 97, 100, 102-104, 110, 118, 120-135 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586).

As previously explained, independent claims 1, 15, 25, 27, 54, 62, 81, and 107 are in condition for allowance because the *Rabinowitz et al.* publication and *Tagami et al.* patent when viewed alone or combined fail to teach or describe all of the Applicants' elements claimed in the independent claims. Thus, dependent claims 11-13, 21-23, 26, 54-61, 74, 78-80, 91-95, 97, 100, 102-104, 110, 118, 120-135 are also in condition for allowance.

3. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claim 45 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586) and *Greenberger* (U.S. Patent No. 5,870,484).

Claim 45 is a dependent claim that depends from allowable independent claim 27 and is therefore in condition for allowance.

4. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claim 31 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586) and *Norris et al.* (U.S. Patent No. 6,611,603).

Claim 31 is a dependent claim that depends from allowable independent claim 27 and is therefore in condition for allowance.

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5. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claim 31 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586) and *Kim* (U.S. Patent No. 5,717,465).

Claim 31 is a dependent claim that depends from allowable independent claim 27 and is therefore in condition for allowance.

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III. CONCLUSION

In view of the foregoing discussion and remarks, Applicants respectfully submit that the claims as now presented, are in condition for allowance, for which action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,

Dated: 9/22/10


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III. CONCLUSION

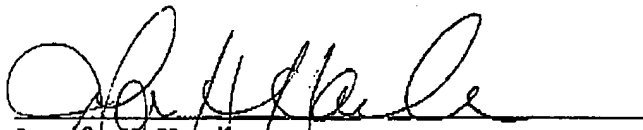
In view of the foregoing discussion and remarks, Applicants respectfully submit that the claims as now presented, are in condition for allowance, for which action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

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